#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent Application of:	) Group Art Unit: 3622
Leandros KONTOGOURIS	) <u>Examiner</u> : A. Duran
Serial Number: 09/742,438	) Attorney Docket: KONT3001beu
Filed: December 22, 2000	) <u>Confirmation No.</u> : 8890

For: Advertising System And Method Which Provides Advertisers With An Accurate Way Of Measuring Response, And Banner Advertisement Therefor

# SUPPLEMENTAL DECLARATION TO SHOW DILIGENCE

Honorable Commissioner For Patents P.O. Box 1450 Alexandria, VA. 22313-1450

As an Applicant named in the above-identified U.S. Patent Application, I, Leandros Kontogouris, Athens, Greece, hereby declare that:

- This declaration is supplemental to the DECLARATION OF PRIOR INVENTION submitted under 37 CFR 1.131 on March 8, 2006, which established a conception date of the invention claimed in the above-identified patent application ("my invention") before January 31, 2000. January 31, 2000 is the effective date of U.S. Patent No. 6,636,247 (Hamzy).
- 2. The purpose of this declaration is to provide additional evidence proving diligence between January 31, 2000, and the filing date of the present application, December 22, 2000.
- 3. Attached as file "evidence\_of\_diligence.pdf" is a spreadsheet that I prepared detailing my activities during the period between January 31, 2000 and December 22, 2000. The spreadsheet includes a day-by-day account of my

activities relating to development of my invention and references to supporting documents.

- 4. The activities listed in the spreadsheet may be summarized as follows:
  - During the period from January 31, 2000 to July 1, 2000, I attended classes at INSEAD in Fontainebleau, France. INSEAD is an institute for graduate studies in business administration. I was awarded a Master of Business Administration on July 1, 2000.
  - b. During my time at INSEAD, I attended classes daily, except weekends, for an average of four hours per day. An additional eight hours daily were required for studying, severely limiting the time available to develop my invention. My class schedule is attached as files schedule\_P3.pdf, schedule\_P4.pdf, and schedule\_P5.pdf. Class titles are listed in the spreadsheet.
  - Despite my heavy class schedule, I was diligent with respect to the C. development of my invention during this period from January 31, 2000 to July 1, 2000. This diligence included the taking of classes chosen specifically with the aim to advance my invention, including a course entitled "New Ventures" (a syllabus of which is included in file New\_Ventures\_syllabus.pdf) that dealt with subjects such as Intellectual Property protection, and courses entitled "Entrepreneurial Finance and Venture Capital", "Strategic Management", "High Technology, Entrepreneurship and Strategy," and so forth (all courses are listed in the attached course schedules). Diligence during this period also included attending First Tuesday entrepreneurial networking events described in Julie\_Meyer.pdf and First\_Tuesday.pdf, and organization of and attending an e-forum event described in e-forum.pdf and e-forum\_b.pdf. addition, during this period, I read extensively about the subject of my invention, online advertising, and about Intellectual Property protection. Files containing articles that resulted from my research on particular days are listed in the attached spreadsheet.

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- d. As indicated in the attached spreadsheet, at no time did I spend more than two consecutive days during the period from January 31 to July 1, 2000 on activities unrelated to classes or my invention. The only two-day breaks during this period were from May 2 to May 3, 2000, following a visit from my brother and his fiancée during their visit to Fontainebleau from Greece after exams, and June 26 to June 27, 2000, when I was sick in bed with a fever, also after exams.
- e. Following my graduation on July 1, 2000, I spent the two weeks from July 2 to July 13, 2000 packing my belongings and shipping them to Greece, selling the car I had bought in France, settling accounts with banks and different utilities, and preparing to accompany a Greek colleague on a road-trip back to Greece. At the same time, as indicated on the attached spreadsheet, I had several meetings and social contacts with colleagues that could help me either to staff my future company or to prepare the ground for financing my project, or to help me develop my invention as third-party suppliers.
- f. My car trip to Greece took 8 days, from July 14 to July 21, 2000, but the distance traversed was more than 3000 km over several countries, including Eastern European countries with poor roads and numerous mountain ranges. Nonetheless, even during my trip I made time to read a book on incumbent models for online advertising and was in telephone contact with friends that could be of assistance
- g. During the three months between July 22 and September 24, 2000, I continued to research the many aspects related to reducing my invention to practice, including protection of intellectual property, managerial corporate decisions, and financing issues. As indicated in the

spreadsheet and corresponding files labeled by date, I also worked on elaborating my model, began to familiarize myself with the format of patent applications, started producing early versions on how to organize the patent application, and searched for American lawyers of Greek origin whom I expected to be more familiar with the constraints I was faced with and who could help me locate a U.S. patent attorney or agent.

- h. On September 25, 2000, I first contacted an attorney in the office of Peter Moulinos, who is currently my U.S. attorney for non-patent matters. As indicated by the attached files labeled by date, September 26 to October 31 were spent on continued research and development of my invention, negotiations with Peter Moulinos concerning terms of representation, and search for a U.S. patent specialist to perform a patentability search and prepare a patent application.
- Upon my approval, Mr. Moulinos initiated a patent search on November 1, 2000, which was completed on November 16, 2000. After I reviewed the search results, Mr. Moulinos engaged a U.S. patent attorney to write a patent application for my invention on November 21, 2000. The patent application draft was completed on December 15, 2000, approved on December 22, 2006, and filed the same day.
- While the patent application process was proceeding, from November 1, 2000 to December 22, 2006, I also conducted research concerning development of my invention and the patent process, as indicated in the files referenced in the attached spreadsheet by date.
- k. Based on the above, it can be seen that I was diligent in reducing my invention to practice during the entire period from January 31, 2000 to December 22, 2000. Even during my eight day road trip after graduation from my graduate school back to my homeland, Greece, I did not take

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more than three weekdays off at any time during this period, and worked on my invention during most weekends as well.

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- It must be kept in my mind that I am an individual inventor rather than a corporation, and that I was a student in a foreign country during much of the ten month critical period. In addition to working on my invention, I needed to keep up with my studies and earn a living. As a citizen of Greece, I was unfamiliar with U.S. law in general, and in particular patent practice, and therefore had to spend much time learning about the process, including how to find and retain a U.S. patent attorney. Also, I had to learn how to set up, fund, and staff a company capable of actual reduction of my invention to practice. I made significant progress in all of these areas during the ten month period.
- 5 The person making this declaration is the inventor.

## TIME OF PRESENTATION OF THE DECLARATION

This declaration is submitted together with a Request for Continued Examination.

### ASSIGNMENT OF INVENTION

7. This application has not been assigned.

# **DECLARATION UNDER 18 USC : 1001**

8. As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and

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further that willful false statements and the like so made are punishable by fine or imprisonment or both, under '1001 of Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date September 25, 2006

Leandros Kontogouris \_

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11-Jun-00	11-Jun-00 IP Bulletin Spring 1999.pdf	researched IP law		and the second s		ACCUPATION AND ACCUPA	
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28-Jun-00	28-Jun-00 Value innovation.pdf.	discussed with my classmate Dimitris Spillotis his future plans to determine his ability and potential willingness to participate in the project in future	ate Dimitris Spiliotis his future plans to de less to participate in the project in future	lans to determine his in future	produced marketing modeling	deling	
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29-Jun-00		irmine her availability and likely wi	
30-Jun-00			***************************************
1-Jul-00	graduation invitation pdf_	Graduation ceremony - official ex	al expiry of housing contract
7-3m-00	THE PROPERTY OF THE PROPERTY O		
3-Jul-00		packed my books and	
4-Jul-00	Jul 4 2000.pdf	elongings. Made arrangements	Held extensive
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13-Jul-00	THE REPORT OF THE PROPERTY OF		
14-Jul-00			
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16-Jul-00		I drove back home to Greece	
17-Jul-00		y car. Read "Principles of	Control Control
18-Jul-00		met Marketing" by Ward	uenimed selyios Dhairadis a Gissal foam
19-Jul-00	19-Jul-00 icencing.pdf	on (South Western College hing), I	thousing, a menu non thool, as the person to
20-Jul-00	_	ì	ign my application's
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22-Jul-00			
23-Jul-00		Met my fate godfather, Athanass icited seed funding	nassios Deliyannis, and
24-Jul-00		Received informational material I perty	Received informational material from the Greek Organization for Intellectual
25-Jul-00	25-Jui-00 on patenting business	researched IP procedures for usiness methods	
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28-Jul-00  28-Jul-00  1 dontified www.naflemporting.tip the best established Greek financial website as ospective partner. It partly belongs to my cousm.  28-Jul-00  30-Jul-00  1, 6-9 December 1999) and considered participating in the following one following	Studied the Discussed my idea with Vassilis Tsamourtzis (a Greek colleague from INSEAD) mechanics of gauged his interest to join a team to be formed tock options
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NBG VC.pdf.  IP Bulletin.Spring 2000.pdf. Recent copyright levelopments in Europe (13) ages),pdf	the best established Greek financial website as gs to my cousin.
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Asked my sister to propose n. She proposed Christina C ity, UK) who was interested ity, UK) who was interested Discussed with Nikos latropand from childhood, and ask inles in Greece and the UK.  researched IP law researched IP law procedures  Met Sotiris Kallogeris, Directudition of my friend Sergios analysed the content of www analysed the content of www analysed the content of www.	of my priority on the idea, I solicited from my t details of a Notary (my brother had filed
ring 2000.pdf_ right in Europe (13	potential partners/member of the implementing tidou (her colleague from Warwick nline advertising
	os, a London-based entrepreneur and Greek nim to suggest reliable Venture Capital
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	of Leoussis Advertising Agency through the totiadis
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10-Aug-00			
11-Aug-00	11-Aug-00 Pantelopoulos.pdf	Met Ilias Pantelopoulos,a a graphics web designer that worked in the prestigious aramella" advertising agency, to assist me in the graphics interface	
12-Aug-00	12-Aug-00 IBIPPS agreement pdf. 13-Aug-00 financial projections.pdf.	researched IP calcufated financial projections if my invention	
14-Aug-00		familiarized myself and reviewed ISP models from a technical perspective	
15-Aug-00 16-Aug-00			
17-Aug-00	17-Aug-00 Aug 17 2000.pdf	finalized and listed action-plan priorities	
18-Aug-00		Asked my brother Alexandros contogouris for funding	
19-Aug-00	19-Aug-00 siaffing needs.pdf	studied my needs in terms of y future corporate structure	THE PERSON NAMED TO SERVICE TO SE
20-Aug-00			
21-Aug-00	21-Aug-00 Renia Papanikolaou.pdf	Found out that a past acquaintance, Ms. Renia Papanikolaou, was involved with marketing of the NY Times website and prepared a strategy for proposing king together	
22-Aug-00	22-Aug-00 20 pages) pdf	Discussed legal maters for submitting a patent with my brother's fiancee researched website sently my sister-in-law) Katerina Vassilaki who is an Attorney	TO ARREST OF MADE BY MAY FRETHERN STOPPED
23-Aug-00		researched the interactive Advertising Bureau website (www.iab.net) and the anese DoCoMo piatfom of Japan's state NTT telecom, as a potential n for launching my model with cellphones	
24-Aug-00		reviewed how different types of content may fit my model (such as astrological ists, electronic greeting cards, songs in MP3 format, ringtones, song slations(Systran) and jokes)	

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25-Aug-00		researched the ELTRUN e-business center of the Athens University of nomics and Business that acted as an incubator (www.eltrun.gr).
26-Aug-00		
27-Aug-00		
28-Aug-00		Second discussion with Paraschos Alexandridis (who later became my business the potential of assisting me with financing
29-Aug-00		Sought contacts in the Greek Venture Capital firms of Emporiki Bank (Mr. gos Hatzidimitnou) and NGB VC (Mr. Kyrlakos Mitsotakis).
30-Aug-00	30-Aug-00 virtual commerce (14	researched e-commerce
31-Aug-00		Spoke with my cousin Achilleas Kontogouris, a successful financier. Solicited scrip from him and Venture Capital firms he might have access to. He ne to "NOTOS Venture Capital", Explained to him that I was not ready bject to strangers, yet.
1-Sep-00	1-Sep-00 valuation of patents (32_ages).ade	researched IP
2-Sep-00	The state of the s	Borrowed 2 Million Greek Drachmas (6000 Euros) from my brother Alexandros
3-Sep-00		
4-Sep-00		Conducted research of industry journals on online advertising and Interactive al Television through INSEAD's online academic database
2-Sep-00 III	5-Sep-00 media buying 101.pdf	researched online advertising ndustry
00-deS-9	A STATE OF THE STA	
7-Sep-00	7-Sep-00 Sep 07 2000.pdf	received fax from the Greek Organization of Intellectual property on the U.S. yright Office
8-Sep-00		read the book: "Webvertising: the Ultimate Internet vertising Guide" (HOTT Guide)
10-Sep-00		
11-Sep-00	-	studied the capabilities of Forthnet (www.forthnet.gr) and Hellas-on-Line ww.hol.gr) to host my application in their servers

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12-Sep-00	12-Sep-00 patent award odf	compared content of world portals that should be in	portals that should be interested to adopt my in.com and yahoo.com)	researched european IP laws
13-Sep-00		made telephone introduction to Ve ssandratos, Managing Director	made telephone introduction to Vectis Venture Capital. Spoke to Mr. ssandratos, Managing Director.	
14-Sep-00 15-Sep-00	14-Sep-00 <u>Sep 14 2000.pdf</u> 15-Sep-00	researched online ads		
16-Sep-00	16-Sep-00 Sep 16 2000.pdf.	prepared business model of "NTC	prepared business model of "NTO" (what I called the application at the time)	
17-Sep-00	17-Sep-00 OBI 1 (90 pages).pdf	researched IP law	The interest of the state of th	
18-Sep-00	18-Sep-00 IP Bulletin Summer 2000.pdf	calculated financial projections	researched IP Law	
19-Sep-00	19-Sep-00 Sep 19 2000.pdf	expanded business model	AND THE RESIDENCE OF THE PROPERTY OF THE PROPE	
20-Sep-00	20-Sep-00 Sep 20 2000.pdf. Sep 20	researched Fenwick & West LP patent agents	elaborated process flowchart of future oplication	
21-Sep-00	21-Sep-00 Sep 21 2000.pdf	finalised Greek Text with vovisional claims		
22-Sep-00	22-Sep-00 intellectual proprerty rights_number.pdf_	researched IP law		
23-Sep-0(	23-Sep-00 Sep 23 2000.pdf	brainstormed with Vassilis Tsamo	Tsamourtzis on interactive advetising scenarios	
24-Sep-00	24-Sep-00 Sep 24 2000.pdf. Sep 24_	brainstormed with my sister Eleni	brainstormed with my sister Eleni on interactive advertising scenarios	
25-Sep-0(	25-Sep-00 Sep 25-28 2000.pdf	emailed Ted Georgiou, a Law student and a friend of a fiend to was doing an internship at Law Office of Peter LINOS (Shane Henty	emailed Peter Wienand, a British Intellectual roperty Lawyer liciting his legal istance	
26-Sep-00	26-Sep-00 Sep 26 2000.pdf. Sep 26-27	submit English description with Sreek Notary	emailed Ted Georgiou with additional data	
27-Sep-00	Sep 26-27 2000.pdf. Sep 27 27-Sep-00!000.pdf. Sep 27-28 )00.pdf	received email from Ted Beorgiou answering my evious email	merican US Notary on his terms for sting me with filing a patent with the	

28-Sep-00	28-Sep-00 Sep 25-28 2000.pdf. Sep 28_	calculated more elaborate inancial projections	replied to Ted Georgiou by email	received email from Peter Wienand on ssisiting me
29-Sep-00	29-Sep-00 Sep 29 2000.pdf	Researched JAMPAT patent associates		
30-Sep-00	30-Sep-00 copyright on the internet odf	researched IP law		
1-0ct-00	adcredit	designed drafts of my pplication's interface		
7-Oct-00	Z-Oct-00 Oct 02 2000.pdf	NTO business model refined	TO THE REAL PROPERTY OF THE PERSON OF THE PE	
3-Oct-00	Oct 03 2000 b.pdf. Oct 03_000.pdf_	solicited Sergios Fotiadis to prepare a visual demostra interactive ads to be included in the patent application	prepare a visual demostration ed in the patent application	received e-mail reply rom Ted Georgiou
4-Oct-00			THE TOYOUR ORDER TO THE TOYOUR PROPERTY.	
5-Oct-00	Oct 05 2000 pdf. Oct 05 000 b.pdf	received fax from Peter loulinos	received by fax a signed or Peter Moulinos	received by fax a signed copy of a Non-Disclosure Agreement Peter Moulinos
6-Oct-00	6-Oct-00 Oct 06 2000.pdf	e-mailed Peter Moulinos and Ted Georgiou	i	
7-Oct-00	OBI 2 (6 pages) pdf. OBI	researched IP Law and orocedures	A ARABA CARA CARA CARA CARA CARA CARA CA	
8-Oct-00	ilv adverlising landscape	researched develpments on nteractive TV industry		
9-Oct-00		researched the forthcoming creation of the Greek State TANEO f I to finance innovative applications on the internet (www.taneo.gr)	creation of the Greek State TANEO fund with the ations on the internet (www.taneo.gr)	O fund with the
	Oct 10 2000,pdf, Oct 10 000 b.pdf	received e-mail of Peter Aoulinos	refined projections	
11-Oct-00				TOTAL DESIGNATION OF THE PROPERTY OF THE PROPE
12-Oct-00	Improvements in business_ ogic.pdf	refined my business model		
13-Oct-00	Oct 13 2000.pdf	replied e-mail of Peter Moulinos		
14-Oct-00	14-Oct-00 Oct 14 2000.pdf	refined financial projections	researched marketing issues on the internet	
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16-Oct-00	16-Oct-00 Selineau.pdf. Gelineau.b.pdf	received e-mail of Peter //oulinos		
17-Oct-00	17-Oct-00 2000.0df	researched online advertising		
18-Oct-00	unscrumbling digital TV (10 rages) ndf	researched digital TV technologies		
19-Oct-00	Oct 19 2000 pdf Oct 19 '000 b.pdf	researched patent firms Holland Knight and Pennie & Edmonds		
20-Oct-00 21-Oct-00 22-Oct-00 23-Oct-00		read the book: "e-marketing strategy" (lan Chaston)		
24-Oct-00	24-Oct-00 draft.pdf	continued working on a probable user-interface of my application		
25-Oct-00	25-Oct-00 Oct 25-26 2000.pdf	solicited Stever Robbins as my oach for my Venture	A TOTAL OF THE PROPERTY OF THE	
26-Oct-00	Oct 26 2000 pdf. Oct 25-26 000 pdf	draft of description together ith provisional Claims	received reply from itever Robbins	
27-Oct-00 28-Oct-00	on business methods pai	researched IP law		
29-Oct-00	market projections, pdf.	I ran market forecasts for my rention		
30-Oct-00	Oct 30 2000.pdf. Oct 30 000 b.pdf. Oct 30 2000 df. Oct 30 2000 d.pdf.	transfer from Michael Tsangaris	received reply from EU intellectual property adquarters concerning European patents on ware	2 emails to Peter Moulinos
31-Oct-00	Oct 31 2000 pdf. Oct 30 000 e.pdf	e-mailed Peter Moulinos	researched digital and interactive TV	
1-Nov-00	1-Nov-00 Nov 01 2000.pdf	received e-mail from Peter Ioulinos		
2-Nov-00		Read the book; "Internet Marketing: Strategy,	g: Strategy,	
3-Nov-00		plementation and Practice" (Dave Chaffey, Richard	Chaffey, Richard	
4-Nov-00 5-Nov-00	Nov 05 2000 adf	r, Kevin Johnston Fiona Ellis-Chadwick)	(Wick)	The state of the s
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11-Nov-00		drafted my reply to Peter		ALAKAMINAN INI INI INI INI INI INI INI INI INI
12-Nov-00		oulinos upon discussing it with	A SOLUTION OF THE PROPERTY OF	
13-Nov-00	A CANADA AND A CAN	leam		The classification of the control of
14-Nov-00		sent e-mail reply to Peter		
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15-Nov-00	~~~~	Prepared indicative flow-chart	received transfer documents of Michael	
		it process	allyalls by lax	THE ACTION OF THE PROPERTY OF
16-Nov-00	Nov 16 2000.pdf, Nov. 16	received additional loan from my brother Alexandros to y back Michael Tsangaris	brother Alexandros to received e-mail from Peter Moulinos	Peter Moulinas
		received fax from Peter		
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18-Nov-00				oper transmission of the second secon
19-Nov-00	Nov 19 2000 pdf, filos pdf	attended Money Show event (e- narket session)		
	Nov 19-12 2000 pdf. Nov 20	F		
20-Nov-00	<u> </u>	received e-mails of Peter foulinos, Vassilis Tsamourtzis id Dimitris Spiliotis	e-mailed Caterina Pramatari in the Athens Iniversity to follow up on previous evening's ission on teaming up to materialise the	received e-mail from Ted Georgiou
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22-Nov-00	22-Nov-00 Nov 20-22-25 2000.pdf	replied e-mail to Ted Georgiou		
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27-Nov-00	Nov 20-27-28 2000.pdf	e-mail from Caterina Pramatari
28-Nov-00	Nov 20-27-28 2000 pdf_ Nov_	telephone conference with Peter e-mail from Caterina email from P.Moulinos Aoulinos
29-Nav-00	Nov 29 2000 b.pdf. Nov 29	dispatch of results established contact in Razorfish as prospective tecnology partners or investors ر patent research
30-Nov-00	The state of the s	
1-Dec-00	OBI 4 (48 pages).pdf	researched IP law and
2-Dec-00	OBI 5 (85 pages),pdf	procedures for Europe
3-Dec-00		
5-Dec-00	Dec 5 2000 pdf, Dec 5-11-15- a 2000 pdf	spoke with Peter Moulinos
6-Dec-00		discussed with Peter Moulinos funding opportunites through him
		received email from P.Moulinos with contact details of Ben Urcia and made
7-Dec-00	7-Dec-00 pet Dec 7 2000 c.pdf	ingement for potential financing of application
8-Dec-00	7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	
9-Dec-00	USPTO changes odf	researched IP in the states
10-Dec-00	<u> </u>	
11-Dec-00	11-Dec-00 Dec 5-11-15-18 2000.pdf	reviewed comments request of Moulinos on patent draft
12-Dec-00	Dec 12 2000.pdf	received e-mail from Peter Moulinos
13-Dec-00	adcredit vs. other media odf	presented in writing the advantages of my concept
14-Dec-00		
15-Dec-00	Dec 15 2000.pdf. Dec 5-11-	received fax from P.Moulinos refined business plan n final draft of patent
16-Dec-00		
17-Dec-00	**********	
18-Dec-00	18-Dec-00 Dec 5-11-15-18 2000.pdf.	phoned Peter Moulinos Seter Moulinos
	- William - Will	

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